

DETAILED ACTION

Election/Restrictions

1. Claims 1, 3 & 5 are directed to an allowable device for shaving hair growing from skin. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 2, 4, 6-15 and 17-21, directed to the shaving device with the periodical reciprocating motion in a direction substantially parallel to the main cutting direction; with a single straight cutting edge member; with a pre-tensioning member; with the actuator effecting the periodical motion of the cutting member via a transmission system; with the shaving head releasably mounted to the base portion; and with the cutting member releasably mounted to the shaving head, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 4/8/08 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Gregory L. Thorne (Reg. #39398) on 5/6/10.

The application has been amended as follows:

- Claim 1 is replaced as follows:

1. (Currently amended) A device for shaving hair growing from skin, comprising:

a base portion having a grip;

a shaving head including

at least one blade-shaped cutting member having at least one cutting edge,

a first side portion slidably accommodating a first supporting plate having a first suspension element, and

a second side portion slidably accommodating a second supporting plate having a second suspension element, the first and second suspension elements fixed to the at least one blade-shaped cutting member;

a pivot axis wherein the base portion is pivotably coupled to the shaving head such that the shaving head pivots about the pivot axis which is perpendicular to a length of the base portion but does not pivot about an axis that

is parallel to the length of the base portion, wherein the length of the base portion extends further than a width of the base portion; and

an actuator coupled to the first and second supporting plates such that a rotating motion of the actuator translates into a periodical reciprocating motion of the slidably accommodated first and second supporting plates and the cutting member for effecting a periodical reciprocating motion of the cutting member relative to the base portion by the actuator slidably guiding the first and second supporting plates relative to the first and second side portions, the periodical reciprocating motion of the cutting member also being a periodical reciprocating motion of the cutting member relative to the shaving head.

Allowable Subject Matter

3. Claims 1-15, 17-21 are allowed.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach a device for shaving hair growing from skin with a shaving head including at least one blade-shaped cutting member having at least one cutting edge, a first side portion slidably accommodating a first supporting plate having a first suspension element, and a second side portion slidably accommodating a second supporting plate having a second suspension element, the first and second suspension elements fixed to the at least one blade-shaped cutting member, in combination with other limitations set forth in claim 1, and with the other limitations of the dependent claims.

Re claim 1, Hawes teaches a device 1 for shaving hairs growing from skin per Fig. 1, comprising a base portion 13 having a grip 12, a shaving head 2 carrying at least one blade-shaped cutting member 4 having at least one cutting edge per para [0029], lines 1-8, a pivot axis at the connecting end of the arms 9, journaled in the opposite ends of the frame 2, wherein the base portion 13 is pivotably coupled to the shaving head 2 such that the shaving head pivots in a plane perpendicular to a length of the base portion about the pivot axis relative to the base portion but does not pivot in a plane parallel to the length of the base portion 13, wherein the length of the base portion extends further than a width of the base portion per para [0029], lines 13-23 per Figs. 1-2, and an actuator 24 coupled to the cutting member 4 through a coupling member 14 that translates a rotating motion of the actuator 24 into a periodical reciprocating motion of the cutting member 4 for effecting the periodical reciprocating motion of the cutting member relative to the base portion 13, and wherein the periodical reciprocating motion of the cutting member 4 is also a periodical reciprocating motion of the cutting member 4 relative to the shaving head 2.

However, Neither Hawes nor Davey (5794342) nor Gilder (6502318) teaches a device for shaving hair growing from skin with a shaving head including at least one blade-shaped cutting member having at least one cutting edge, a first side portion slidably accommodating a first supporting plate having a first suspension element, and a second side portion slidably accommodating a second supporting plate having a second suspension element, the first and second suspension elements fixed to the at least one blade-shaped cutting member.

None of these and the prior arts of record references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Davey (5794342), Gilder (6502318) and Metcalf (5299354) teach various types of razors with pivot axis arranged in front of the cutting edge.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/
Examiner, Art Unit 3724
5/10/10.

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